

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 5-6, 11-12 and 17-18 are requested to be cancelled.

Claims 1, 7 and 13 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-4, 7-10 and 13-16 are now pending in this application.

The present invention is directed to the problem of selecting suppliers in an independent supply chain management system where a plurality of stores are independent, a plurality of distributors are independent and a plurality of suppliers are independent. In this context, when restocking orders for stores are generated based on store point-of-sale data and sent to the appropriate distributor, a selection decision regarding which suppliers to use to supply the distributor to meet the store order must be made. However, in an independent supply chain, it is very difficult to obtain comparative information about the suppliers from the suppliers themselves, other than their identity and current price. The present invention uses a supply chain management computer to obtain supplier information such as on-time-performance, order fill rate, invoice (billing) accuracy, payment terms, product quality, and recall history, for example, from a variety of sources including the suppliers themselves and other distributors in the supply chain system. Supplier selection is facilitated by the independent supply chain manager based on this data, and at least one supplier performance parameter is inserted into the supplier electronic order form. The independent supply chain manager can then generate an alert based on a comparison of the supplier performance parameter in the supplier electronic order form to an actual performance of the supplier.

Referring now to the office action, claims 1-18 were rejected as being unpatentable over Salvo in view of Shavit. This rejection is respectfully traversed to the extent it is applied to the amended claims.

Salvo discloses a system for silo monitoring system and ordering system. Alerts are generated by Salvo, but not based on a comparison of supplier performance to electronic contract performance parameters. Also, Salvo relates to a manufacturing plant, and not a distributor. Also, Salvo does not receive POS data from stores and generate orders based on this data. Also, there is nothing about a selection of suppliers based on supplier data of the type enumerated. Also, there is no concept of an independent supply chain manager running the operation. Finally, there is no concept of a single entity controlling the electronic ordering for both the independent stores and the distributors.

Shavit does not make up for these deficiencies. Shavit discloses a system for direct communication between buyers and sellers. There is no concept of an independent supply chain manager disclosed. There is no concept disclosed of the automatic generation of electronic orders based on POS data. Note that at column 6 of Shavit sales reports may be generated for orders made through the system. This is not a disclosure of generating an electronic order form based on POS data. Also, there is nothing about a selection of suppliers based on supplier data of the type enumerated. Finally, there is no concept of a single entity controlling the electronic ordering for both the independent stores and the distributors.

In view of the foregoing amendments and remarks, reconsideration of the rejection is requested and an early passage to issue solicited.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

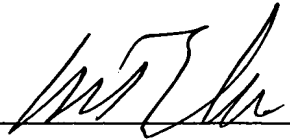
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to

Atty. Dkt. No. 062834-0142

Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date June 2, 2004

By _____

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